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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER GREY, CHRISTOPHER P	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/027,868	Applicant(s) HYVARINEN ET AL.	
	Examiner Christopher P. Grey	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 and 10 are rejected under 35 U.S.C 112

Claim 2 recites the limitation "primary network" in lines 1, 2, 5 and 6. Claim 2 is rejected as being indefinite. It is unclear what a primary network is. There is no mention of a primary network within the preceding claim, and the examiner is unclear as to whether or not a primary network is equivalent or different than the first and second network mentioned in the preceding claim.

Claims 4-11 are rejected as being indefinite as the claims recite a local network and a public mobile network, however, the preceding claim recites a first and second network with no mention of either a local network or a public mobile network. The examiner is unclear on how these networks relate, if they relate at all.

Claim Rejections - 35 USC § 103

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 10, 11, 17, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorsuch (US 6526034) in view of Sainton et al. (US RE38,787), hereinafter referred to as Sainton.

Claim 2-11 are rejected by the examiner based on the limited comprehension of the limitations as addressed by the 112 rejection above.

Claim 1 and 12 and 18 and 25 Gorsuch discloses attaching a mobile station (fig 6 shows a wireless laptop and PMCIA card, both being mobile) to a first network and transmitting a first service request for communication with a terminal (Col 9 lines 10-15, wherein a probe request is transmitted to a first LAN network, and access is gained, and the response indicated that a service and access is available to another terminal).

Gorsuch discloses communicating with a terminal via a second network in response to at least one of the data transmission service not being providable substantially in accordance with the first service request and the terminal not being reachable via the first network (Col 9 lines 17-23, long range network is equivalent to the second network).

Gorsuch does not specifically disclose transmitting a second service request from the mobile station to a second network.

Sainton disclose transmitting a second service request from the mobile station to a second network (fig 6B, 654 and 656, where if a short range/cordless network is not available, the availability of a long range/cellular network is determined using a service request 660. Furthermore, Sainton shows establishing access to any one of a plurality of networks by using a request as in claim 42 lines 9-15).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of accessing a second long range network via a terminal as disclosed by Gorsuch, by using an access request as disclosed by Sainton to do so. The motivation for this modification is to allow the wireless terminal to operate in an omni modal manner (see title).

Claim 2 Gorsuch discloses a primary network being determined in the mobile station (Col 9 lines 10-16, "the terminal 615 will use the wireless LAN"), the primary network determined in the mobile station is checked when a need arises to transfer data between the terminal and the mobile station (Col 9 lines 10-15, wherein Gorsuch discloses actively transmitting a probe request), and the availability of the requested data transmission service and the reachability of the terminal first in the primary network are checked in response to the mobile station being located in the coverage area of the primary network (Col 9 lines 10-16, where a probe response indicated that accessibility is allowed to another terminal or device via the LAN network).

Claim 10 Gorsuch does not specifically disclose the mobile station measures signal levels of base transceiver stations or access points comprised by the local network in response to the public mobile network providing data transmission service to the mobile station, a service request is transmitted from the mobile station to the local network for obtaining that data transmission service in response to the access point or base transceiver station of the local network providing a sufficient signal level, the reachability of the terminal in the local network are checked, a connection to the terminal via the local network is established in response to the data transmission service being providable substantially in accordance with the service request and the terminal being reachable via the local network, and the connection to the terminal via the public mobile network is released.

Sainton discloses the mobile station measures signal levels of base transceiver stations or access points comprised by the local network in response to the public mobile network providing data transmission service to the mobile station, a service request is transmitted from the mobile station to the local network for obtaining that data transmission service in response to the access point or base transceiver station of the local network providing a sufficient signal level, the reachability of the terminal in the local network are checked, a connection to the terminal via the local network is established in response to the data transmission service being providable substantially in accordance with the service request and the terminal being reachable via the local network, and the connection to the terminal via the public mobile network is released (Col 16 lines 32-58, where circuit 1 uses the signal strength of a transmission link

such as the strength of the transmission link for the 802.11 or cdma link disclosed in Gorsuch, and dependent on the signal strength, a carrier is selected).

It would have been obvious to one of the ordinary skill in the art to modify the wireless unit as disclosed by Gorsuch to take into consideration signal strengths as disclosed by Sainton. The motivation for this combination is for automatic selection of a carrier.

Claim 11 Gorsuch does not specifically disclose the mobile station measuring signal levels of the base transceiver stations comprised by the public mobile network in response to the local network providing data transmission service to the mobile station, the service request being transmitted from the mobile station to the public mobile network in response to the signal levels of the measured access points or base transceiver stations of the local network being substantially lower than the signal level of the base transceiver station of the public mobile network, and the connection to the local network being released after establishing a connection to the terminal via the public mobile network.

Sainton discloses the mobile station measuring signal levels of the base transceiver stations comprised by the public mobile network in response to the local network providing data transmission service to the mobile station, the service request being transmitted from the mobile station to the public mobile network in response to the signal levels of the measured access points or base transceiver stations of the local

network being substantially lower than the signal level of the case transceiver station of the public mobile network, and the connection to the local network being released after establishing a connection to the terminal via the public mobile network (**Col 16 lines 32-58, where circuit 1 uses the signal strength of a transmission link such as the strength of the transmission link for the 802.11 or cdma link disclosed in Gorsuch, and dependent on the signal strength, a carrier is selected**).

It would have been obvious to one of the ordinary skill in the art to modify the wireless unit as disclosed by Gorsuch to take into consideration signal strengths as disclosed by Sainton. The motivation for this combination is for automatic selection of a carrier.

Claim 17 Gorsuch discloses the local network supporting IEEE 802.11 standard (fig 6, 207).

Gorsuch discloses wherein it should be understood that other wireless communication protocols also may be used other than CDMA such as GSM (**as disclosed in Col 5 lines 24-33**).

3. Claims 3, 13, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorsuch (US 6526034) in view of Sainton et al. (US RE38,787), hereinafter referred to as Sainton in further view of Roberts et al. (US 7181201), hereinafter referred to as Roberts.

Claim 3 and 13 and 19 The combined teachings of Gorsuch and Sainton disclose a service request being transmitted to a second network as disclosed in the rejection of claim 1.

The combined teachings of Gorsuch and Sainton do not specifically disclose wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal.

Roberts discloses wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal (fig 6 Col 4 lines 4-28, wherein the base station system determines the location of a called party/terminal, where the called party is attached to the network if the location is found in the database. Roberts also discloses communicating back to the mobile station the result of the location request).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton so as to implement to location query of the called party as disclosed by Roberts. The motivation for this combination is to properly and accurately route a call.

4. Claims 4-9, 14-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorsuch (US 6526034) in view of Sainton et al. (US RE38,787), hereinafter referred to as Sainton in view of McCanne et al. (US 6901445), hereinafter referred to as McCanne

Claim 4 and 14 The combined teachings of Gorsuch and Sainton disclose a service request being transmitted from the mobile station to the local network, the availability of the requested data transmission service and the reachability of the terminal are checked **(as disclosed within the rejection of claim 1).**

The combined teachings of Gorsuch and Sainton disclose the service request being transmitted from the mobile station to the public mobile network in response to the short range network not being accessible **(as disclosed within the rejection of claim 1).**

The combined teachings of Gorsuch and Sainton do not specifically disclose a message is transmitted from the local network to the mobile station in response to the data transmission service not being providable (see element 960 in fig 7) substantially in accordance with the service request and/or the terminal not being reachable via the local network, and the service request being transmitted from the mobile station to the public mobile network in response to the message received from the local network.

McCanne discloses a client or mobile station sending a service request to a device, and that device sending a redirection message back to the client, where that redirection message allows the client to send a further request to another node **(Col 16**

lines 48-62, wherein the redirection message is equivalent to the message claimed).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

Claim 5 and 15 The combined teachings of Gorsuch and Sainton do not specifically disclose said response message comprising a command to transmit the service request to another network.

McCanne discloses a redirection message that indicates a redirection to another service node or network (**Col 16 lines 48-62**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

Claim 6 The combined teachings of Gorsuch and Sainton disclose transmitting a service request to the determined public mobile network as disclosed in the rejection of claim 1.

The combined teachings of Gorsuch and Sinton do not specifically disclose the local network determining the network whereto the mobile station should send the service request.

McCanne discloses a first node or network (ARN) determining where to redirect a request message (**Col 6 lines 48-62**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sinton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

Claim 7 and 16 and 20 Gorsuch discloses the mobile station maintaining a list on networks from wherefrom services are sought (**fig 1, 29**).

The combined teachings of Gorsuch and Sinton disclose the mobile station determining the network whereto the service request should be transmitted and the service request being transmitted to the public mobile network (see rejection of claim 1) determined based on the list (**Gorsuch Col 6 lines 15-35, bandwidth management is involved in protocol converting**).

The combined teachings of Gorsuch and Sinton do not specifically disclose making the determination in response to a message.

McCanne discloses a first node or network (ARN) determining where to redirect a request message (**Col 6 lines 48-62**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

Claim 8 The combined teachings of Gorsuch and Sainton do not specifically disclose wherein a location database of the local network is checked to determine whether the terminal of the called number included in the service request is attached to the local network, and said message is transmitted from the local network to the mobile station in response to the terminal not being attached to the local network.

McCanne discloses the location database of the local network being checked to determine whether the terminal of the called number included in the service request is attached to the local network (Col 17 lines 42-53 and Col 18 lines 44-Col 32).

McCanne discloses the message being transmitted from the local network to the mobile station in response to the terminal not being attached to the local network (Col 19 lines 8-Col 28).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

Claim 9 The combined teachings of Gorsuch and Sainton do not specifically disclose wherein the called number is associated in the location database with a second number, said message comprises the second number, and the service request comprising said second number being transmitted to the public mobile network

McCanne discloses the called number being associated in the location database with a second number (Col 18 lines 3034), where each service node contains an IP address

McCanne also discloses the message comprising the second number, and the service request comprising the second number being transmitted to the public mobile network (Col 19 lines 8-27), where a redirection message contains a new service nodes IP address (second number).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gorsuch and Sainton such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

5. Claims 21-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne et al. (US 6901445), hereinafter referred to as McCanne in view of Gorsuch (US 6526034)

Claims 21 and 26 McCanne discloses means for receiving a first service request from a mobile station attached to a first node and requiring data transmission being between the mobile station and a terminal (**Col 16 lines 48-62, ARN receives a service request**).

McCanne discloses means for checking the availability of the requested data transmission service and the reachability of the terminal (Col 16 lines 4-31, selecting a candidate based on availability and Col 16 lines 40-43, where failover indicated the reachability of a terminal).

Discloses means for transmitting a message to the mobile station in response to at least one of the data transmission service not being providable substantially in accordance with the service request and the terminal not being reachable via the first node (**Col 16 line 63-Col 17 line 2, based on a disruption, the ARN sends a redirection message**).

Discloses means for adapting to cause a second service request to be transmitted from the mobile station to a second node in response to the message (Col 17 lines 2-5, new service request issued to a new node).

McCanne does not specifically disclose the networks, but discloses nodes, which are equivalent to a network by definition.

However Gorsuch discloses a mobile station accessing a first network (802.11 network) and in the even of a disruption, accessing a second network (CDMA network) as shown in fig 6.

It would have been obvious to one of the ordinary skill in the art at the time of the invention that the nodes as disclosed by McCanne are representative of networks such as that shown in Gorsuch. It would have been obvious to one of the ordinary skill in the art, to combine the other components of the networks as disclosed by Gorsuch to the nodes disclosed by McCanne. The motivation for this combination is for access to multiple networks using a multi protocol transceiver.

Claims 22 and 27 McCanne discloses wherein the apparatus is configured to determine the network whereto the mobile station should transmit the service request (Col 16 line 65-Col 17 line 2, ARN determines a new redirection message).

McCanne discloses the apparatus being configured to send a command in said message to transmit the service request to a determined second network (Col 17 lines 2-5, new service request is transmitted to new service node).

Claim 23 McCanne discloses wherein the apparatus supports wireless local area network (18 line 50 local network and Col 13 lines 16-19).

Claim 24 McCanne discloses wherein the apparatus is configured to operate as part of a network element. **(ARN is a network element, claim is very broad for interpretation).**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272- 7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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